

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO.: 15-CR-378

FREDY RENAN NAJERA MONTOYA,

Defendant.

**DEFENDANT’S MOTION FOR EXTENSION OF TIME TO FILE
REPLY TO THE GOVERNMENT’S OPPOSITION TO
DEFENDANT’S PRETRIAL MOTIONS**

COMES NOW the Defendant FREDY RENAN NAJERA MONTOYA by and through his undersigned counsel and files this Defendant’s Motion for Extension of Time to File Reply to the Government’s Opposition to Defendant’s Pretrial Motions and in support of this motion states as follows:

1. The defendant filed his pre-trial motions pursuant to this Court’s Order on September 4th, 2018. Pursuant to agreement of the parties, the government was granted an extension of time to file its response in opposition, not in ten days but was granted 15 days to file its response until September 19, 2018. See Docket Entry #32. On September 19, 2018, the Government filed its OPPOSITION TO THE DEFENDANT’S PRE-TRIAL MOTIONS. The Opposition was 28 pages long and the attached exhibits consisted of an additional 234 pages, comprised of Honduran Court opinions.

2. Moreover, 5 pages of the government's opposition dealt with an impermissible and unauthorized sur-reply to the Defendant's prior Rule 15 Motion for Depositions.

3. Within the government's opposition are purported factual allegations that had previously not been disclosed and need to be substantiated in order to prepare a proper reply.

4. Also before the Court is the undersigned's Motion to Withdraw which needs to be addressed prior to formulating a reply. As indicated in the Motion to Withdraw, the defense lacks the resources necessary to travel to Honduras to conduct an investigation into the factual allegations raised by the Government in its Opposition and frame a proper reply.

5. The undersigned contacted Emil Bove, Assistant United States Attorney for the Southern District of New York to inquire if he would agree to this extension of time. Mr. Bove objects to this petition on the basis that the defense had a prior extension of time (neglecting altogether that the government also had an extension of time from 10 days to 15 days to file its reply to the defense pre-trial motions) and because the undersigned has moved to withdraw.

WHEREFORE, The Defendant respectfully requests that the Court grant an extension of time to a date certain after the Court rules on the undersigned's Motion to Withdraw which would allow a reasonably sufficient amount of time to frame a proper reply to the Government's Opposition to the Defendant's Pre-Trial Motions.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document has been filed with the Clerk of Court using the CM/ECF Filing System on this 25TH day of September 2018.

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NEW YORK BAR NO.: VR9648